

ACTION IO-00

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INFO	LOG-00	AF-00	AGRE-00	AID-00	AMAD-00	CA-00	CIAE-00
	INL-00	DODE-00	WHA-00	PDI-00	DS-00	EAP-00	EB-00
	EUR-00	UTED-00	H-00	TEDE-00	INR-00	LAB-01	L-00
	NEA-00	DCP-00	NSAE-00	NSCE-00	OIC-00	OIG-00	OMB-00
	NIMA-00	PA-00	PER-00	PM-00	GIWI-00	PRS-00	P-00
	SCT-00	D-00	SP-00	IRM-00	SSO-00	SS-00	STR-00
	TRSE-00	FMP-00	BBG-00	R-00	IIP-00	PMB-00	DSCC-00
	PRM-00	DRL-00	G-00	SCA-00	CARC-00	SAS-00	SWCI-00

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FM USMISSION GENEVA

TO SECSTATE WASHDC 0271

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INFO HUMAN RIGHTS COUNCIL COLLECTIVE

AMEMBASSY ACCRA

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AMEMBASSY WARSAW

AMEMBASSY YAOUNDE

UNCLAS GENEVA 001637

SIPDIS

STATE FOR IO/RHS, DRL/MLA, L/HRR

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E.O. 12958: N/A

TAGS: PHUM, UNHRC-1

SUBJECT: RESOLUTIONS ON ALL FIVE HUMAN RIGHTS COUNCIL
WORKING GROUPS EASILY PASS

Summary

1. The Human Rights Council (HRC) passed resolutions on all five inter-governmental working groups during the June 29-30 conclusions and recommendations portion of the inaugural session. Discussion on the working group resolutions took place June 26-27, at which time the United States delivered statements expressing concern or opposition to the reports emanating from each of the working groups. As expected, Enforced Disappearances, the draft Declaration on the Rights of Indigenous Peoples (DRIP), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Right to Development, and Durban all easily passed and were met by only a few reservations from various HRC member states. Four of the five resolutions were passed by consensus. The only vote was on the DRIP, which passed by a 30-2-12 vote. (Note: Canada and Russia voted "no.") USDel statements and documents on each of the working groups may be found on Mission Geneva's Internet website. A summary on each resolution follows. End Summary.

Enforced Disappearance (A/HRC/1/L.2)

2. Adopted on June 29 by consensus. A number of states made explanations of vote. Significantly, Canada, the UK, and India spoke to the issue of criminal intent. India also said it objected to the exclusion of "non-state actors" in the document. RESULT: The International Convention for the Protection of All Persons from Enforced Disappearance will now go to the General Assembly for adoption. U.S. POSITION: USDel's June 27 statement noted that it had submitted a document for circulation specifying its legal concerns with the draft convention.

Indigenous (A/HRC/1/L.3)

3. Adopted on June 29 with a vote of 30-2-12. Canada and Russia voted "no." Fourteen member states made explanations of vote. India, Bangladesh, Morocco, Philippines, UK, Germany, Japan, Brazil, Argentina all noted that self-determination for indigenous persons does not impair territorial integrity or political unity. The UK, Germany,

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and Japan stated that collective rights in the DRIP are not human rights. In general comments, Peru and France stated that the DRIP would be subject to national constitutions. Canada said little on interpretation but noted that the declaration did not develop customary law and did not apply to them. Russia spoke to self-determination. RESULT: The United Nations Declaration on the Rights of Indigenous Peoples will now go to the General Assembly for adoption. U.S. POSITION: During the June 27 discussion on the working group, Australian PermRep Caroline Millar delivered a joint statement on behalf of the U.S., Australia, and New Zealand opposing the adoption of the Declaration.

Optional Protocol to ICESCR (A/HRC/1/L.4)

4. Adopted on June 29 by consensus. Canada asked us to participate in the drafting session and noted that, now that the ESCR working group is set, the EU is likely to split. RESULT: The Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights will have its mandate extended by two years; it will begin work on a first draft optional protocol to be used as a basis for future negotiations. U.S. POSITION: In its June 27 statement, USDel opposed the mandate to draft an optional protocol citing procedural and substantive reasons.

Right to Development (A/HRC/1/L.7)

5. Adopted on June 30 by consensus. Canada said it would prefer continuing dialogue on this issue, but ultimately joined consensus. RESULT: The Working Group on the Right to Development will request the High-Level Task Force on the Implementation of the Right to Development to meet for five days by the end of 2006 with a view toward implementing recommendations from the working group's seventh session report. U.S. POSITION: On June 26, USDel expressed its opposition to Right to Development, stating our interpretation of the term to mean an individual's right to develop through the exercise of the full range of civil and political rights.

Durban (A/HRC/1/L.8)

6. Adopted on June 30 (after PBI distributed) by consensus. Before joining consensus, Canada said that it did not think a new instrument was needed and noted that implementation of

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CERD and other existing instruments was the real solution in fighting racial discrimination. RESULT: The Inter-Governmental Working Group on the Effective Implementation of the Durban Declaration and Program of Action will have its mandate extended by three years; in close consultations with regional groups, OHCHR is to select five experts (from each regional group) to study substantive gaps in existing instruments and provide recommendations at the working group's fifth session. U.S. POSITION: In its June 26 statement, USDel called for full implementation of the CERD and opposed the drafting of a new instrument.

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